THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.15897 of 2006

Dated:09.08.2006

Between:

Roopchand Chowdary.

…Petitioners

and

The State of A.P., and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.15897 of 2006

ORDER:

The petitioner assails the notification issued by the first respondent vide G.O.Ms.No.1085, dated 06.06.2005, purportedly, issued in exercise of their powers under Section 22-A of the Registration Act, 1908, as amended by the Andhra Pradesh Act No.4 of 1999.

It is brought to the notice of this Court that a Division Bench of this Court comprising their Lordships Hon'ble the Chief Justice, G.S.Singhvi, and Hon'ble Sri Justice R.Subhash Reddy, in W.P.No.14099 of 2003, and batch, dated 07.12.2005, declared Section 22-A of the Registration Act as ultra vires, being violative of Article 300A of the Constitution of India. The Division Bench followed the judgment of the Supreme Court in **State of Rajasthan v. Basanth Nahata**[1]. A copy of the unreported judgment, dated 07.12.2005, is placed before this Court.

In **State of Rajasthan v. Basant Nahata** (supra)**,** the Supreme Court struck down the provision in Registration Act as amended by the State of Rajasthan as *ultra vires.* Therefore, the impugned notification cannot be sustained. Further, in subsequent Judgment in W.P.No.17325 of 2005 and batch, dated 20.02.2006, a Division Bench

of this Court while invalidating similar notification observed as under.

> As a sequel to the above, G.O.Ms.No.810, dated 14.10.2004, is also quashed. However, it is made clear that registration of the documents of the petitioners would remain subject to the final adjudication by the Supreme Court. This would necessarily mean that if the appeal filed by the State is allowed by the Supreme Court, the registration of the documents of the petitioners shall stand automatically nullified.

Following the same, this writ petition is allowed declaring the impugned notification as ultra vires. Any registration of the documents presented by the petitioner would be subject to the adjudication by the Supreme Court, and if ultimately, the Supreme Court allows the Appeal filed by the Government of Andhra Pradesh, the registration of the documents would stand automatically nullified. Further, if the property (land) in Survey No.224 situated at Manchiravula Village, Rajendranagar Mandal, Ranga Reddy District is claimed by the Government, it is always open to the Government to take appropriate action under law. This also does not preclude the Registering Officers/Registering Authorities from considering the objections raised by anybody, as and when any sale deeds are presented by the petitioner or others in respect of the land in question. No costs.

_____

(V.V.S.RAO, J)

09.08.2006

Note: Issue C.C by 17.08.2006.

B/o.

vs

---

[1] (2005)12 SCC 77